

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

EDGARDO NICOLAS MARTINEZ
PEREZ

CASE NUMBER 16-05934-BKT

CHAPTER 13

DEBTOR(S)

Motion to Amend Plan and Motion to Withdraw

TO THE HONORABLE COURT:

NOW COMES EDGARDO NICOLAS MARTINEZ PEREZ, Debtor in the above captioned case, through the undersigned counsel very respectfully alleges and requests:

1. Debtor files amended plan dated 6/7/2017 as the previopus plan was filed in error.
2. Debtor further requests for the withdrawal of the previous plan. (Docket #78)

WHEREFORE Debtor requests from this Honorable Court to take notice of the aforementioned information with such relief which is just and proper.

RESPECTFULLY SUBMITTED

In San Juan, Puerto Rico on this Wednesday, June 07, 2017.

Notice

Within twenty-one (21) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk=s office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.

Certificate of Service

I HEREBY CERTIFY that the foregoing motion has been electronically filed through CM/ECF electronic filing system which will serve the same to all parties in interest.

/s/Josué N. Torres Crespo
USDC No. 229805

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IN RE: EDGARDO NICOLAS MARTINEZ PEREZ

BK. CASE # 16-05934-BKT

DEBTOR(S)

CHAPTER 13

CHAPTER 13 PAYMENT PLAN

NOTICE: The following plan contains provisions which may significantly affect your rights. You should read this document carefully and discuss it with your attorney. When confirmed, the plan will bind the debtor and each creditor to its terms. Objections must be filed in writing with the court and served upon the debtor(s), debtors' counsel, the Trustee and any other entity designated by the Court, at the 341 meeting of creditors or not less than twenty-eight (28) days prior to the scheduled confirmation hearing. For post confirmation Plan Modifications, objections must be filed and notified in the same manner within twenty-one (21) days from its notification. **This plan does not allow claims. Any party entitled to receive disbursements from the Trustee must file a proof of claim. The Trustee will pay the allowed claims, as filed, provided for in the plan, unless disallowed or expressly modified by the Court and/or the terms of the plan. If no claim is filed, the Trustee will not pay a creditor provided for in the plan, unless ordered by the Court. If the Trustee is to make POST-PETITION REGULAR MONTHLY PAYMENTS to any Secured obligation, then a proof of claim must be filed including the following information: account number, address, due date and regular monthly payment. Secured creditor must notify any change in the monthly payment, three (3) months prior to the effective date of new payment. Those post-petition monthly payments will not exceed the life of the plan.** See the notice of commencement of case for 341 meeting date and claims bar date, the latter is the date by which a proof of claim must be filed in order to participate of the plan distribution.

- The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☒ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
- The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.
- ☐ The Confirmation Order will not vest property of the Estate on Debtor(s) until the Order discharging Debtor(s) is entered.

PLAN DATED:

☐ AMENDED PLAN DATED: 6/72017☒ PRE ☐ POST-CONFIRMATIONFILED BY ☒ DEBTOR ☐ TRUSTEE ☐ UNSECURED

I. PAYMENT PLAN SCHEDULE

\$ 50.00	x	2	=	\$100.00
\$ 500.00	x	58	=	\$29,000.00
\$	x		=	
\$	x		=	
\$	x		=	
TOTAL	=	60	--	\$29,100.00

Additional Payments:

\$ 484,636.00 to be paid as LUMP SUM
within 24 months with proceeds to come from

☒ Sale of property identified as follows:

Sale of Commercial Property in Hostos

and Cond. Mirador del Parque

☒ Other: Account Receivable: AAA

Periodic Payments to be made other than, and in
addition to the above.

\$ _____ x _____ = _____

To be made on: _____

PROPOSED PLAN BASE: \$ 513,736.00

II. ATTORNEY'S FEES

To be treated as a § 507 Priority, and paid before any
other creditor and concurrently with the Trustee's fees,
unless otherwise provided:

a. Rule 2016(b) Statement:	\$ 3,000
b. Fees Paid (Pre-petition):	\$ 0
c. R 2016 Outstanding balance:	\$ 3,000
d. Post Petition Additional Fees:	\$ 0
e. Total Compensation:	\$ 3,000

Signed: /s/ EDGARDO NICOLAS MARTINEZ PEREZ
DEBTOR

JOINT DEBTOR

II. DISBURSEMENT SCHEDULE SEQUENCE

A. SECURED CLAIMS

☐ Debtor represents that there are no secured claims.☒ Secured creditors will retain their liens and shall be paid as follows:

ADEQUATE PROTECTION PAYMENTS CR BANCO POPULAR \$ 300
CLAIM 3-1

☐ Trustee will pay secured ARREARS:

Cr. BANCO POPULAR

Cr.

Cr.

#

#

#

\$ 26,893.92

\$

\$

☒ Trustee will pay IN FULL Secured Claims

Cr. BANCO POPULAR

Cr. BANCO POPULAR

Cr.

\$ 105580.19 (5-1)

\$ 101,399.22 (3-1)

\$

☐ Trustee will pay VALUE OF COLLATERAL

Cr.

Cr.

Cr.

\$

\$

\$

☐ Secured Creditor's interest will be insured. **INSURANCE POLICY** will be paid through plan:

Cr. _____ Ins Co. _____ Premium: \$ _____

(Please indicate in "Other Provisions" the insurance coverage period)

☐ Debtor SURRENDERS COLLATERAL to Lien Holder:☐ Debtor will maintain REGULAR PAYMENTS DIRECTLY to:

B. PRIORITIES The Trustee will pay \$507 priorities in accordance with the law. [§1322 (a)(2)]

☒C. UNSECURED PREFERRED: Plan ☐ Classifies ☐ Does not Classify Claims.☐ Class A: ☐ Co-Debtor Claims / ☐ Paid 100% / ☐ "Pay Ahead": _____☐ Class B. ☐ Other Class: _____

Cr.

Cr.

Cr.

\$

\$

\$

D. GENERAL UNSECURED NOT PREFERRED: (Case Liquidation Value = \$ _____)

☒ Will be paid 100% plus 4.25 % Legal Interest. ☐ Will be paid Pro-Rata from any remaining funds

OTHER PROVISIONS: ANY POST-PETITION INCOME TAX REFUND THAT THE DEBTOR(S) RECEIVE DURING THE TERM OF THE PLAN WILL BE USED TO FUND THE PLAN AFTER ITS CONFIRMATION, AND WITHOUT FURTHER NOTICE, HEARING OR COURT ORDER, THE PLAN SHALL BE DEEMED MODIFIED BY INCREMENTS TO ITS BASE, IN AN AMOUNT EQUAL TO THE AMOUNT OF EACH INCOME TAX REFUND.
RELIEF FROM STAY: BANCO POPULAR: CLAIM 4-1

ATTORNEY FOR DEBTOR: JOSUE N TORRES CRESPO

PHONE: (787) 625-1948